

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 1:13-cr-223-02

v.

HONORABLE PAUL L. MALONEY

MICHAEL EUGENE HEAD,

Defendant.

_____ /

MEMORANDUM OPINION AND ORDER

Defendant Michael Eugene Head has filed a motion for modification or reduction of sentence pursuant to 18 U.S.C. §3582(c)(2) based on the modification of the Drug Quantity Table with respect to drug quantity.

Section 3582(c)(2) permits a court to reduce the term of imprisonment of a defendant who has been sentenced based on a sentencing range that has subsequently been lowered by the Sentencing Commission. 18 U.S.C. § 3582(c)(2). Amendment 782 of the United States Sentencing Guidelines modified U.S.S.G. § 2D1.1, the Drug Quantity Table with regard to drug quantity, and U.S.S.G. § 2D2.1(b). These modifications were made retroactive effective November 1, 2014. U.S.S.G. § 1B1.10(c).

However, Amendment 782 provides defendant with no relief. Pursuant to U.S.S.G. § 5G1.2(d), the defendant was sentenced to consecutive terms of imprisonment of 36 months on Count One (Misprision) and 48 months on Count Two (Unlawful Use of a Communication Facility), resulting in a guideline sentence of 84 months. The application of Amendment 782

does not retroactively lower the sentencing guideline range. Accordingly,

IT IS HEREBY ORDERED that Defendant Michael Eugene Head's motion modification of sentence pursuant to 18 U.S.C. § 3582(c)(2) (ECF No. 216) is **DENIED**.

Date: February 11, 2015

/s/ Paul L. Maloney

Paul L. Maloney
Chief United States District Judge